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whenever they should have occasion to write or spell it. The trustee filed a bill to construe the will. One of the granddaughters was married and her husband was living. *Held*, that the conditions were valid in so far as they were made dependent upon the conduct of the beneficiaries themselves, but were void in so far as they were made dependent upon the conduct of the husbands of such beneficiaries. *Holmes v. Connecticut Trust & Safe Deposit Co.* (1918) 92 Conn. 507, 103 Atl. 640.

The court reasons that too great a power of domination would be furnished the husband if he could threaten: "If you don't do as I wish, I'll smoke and you will lose your legacy!" Such power would be conducive of longings to escape from the marital yoke, and provocative of family discord. Hence the conditions are opposed to public policy and void. No precedent is cited; nor has one been found, but the reasoning seems sound. *Cf. Higgins v. Eaton* (1910, C. C. N. D. N. Y.) 178 Fed. 153, where a legacy to a sister, conditioned upon her brother going to live with her, was lost by his electing to live elsewhere. See also *Anonymous* (1913, Surr. Ct.) 141 N. Y. Supp. 700.

WORKMEN'S COMPENSATION ACT—ACCIDENT ARISING OUT OF EMPLOYMENT—EXERTION RUPTURING DEFECTIVE HEART.—In a proceeding under the Indiana Workmen's Compensation Act (Laws 1915, ch. 106) for compensation because of the death of a coal miner while loading a coal car, it appeared that the death was due to a rupture of the aorta, which was in a diseased condition and apparently liable to be ruptured by any kind of violent or sudden physical exertion. The rupture in fact took place when the workman exerted himself to aid in pushing the car along the track. *Held*, that the accident arose out and in the course of the employment. Dausman, J., *dissenting*. *Indian Creek Coal & Mining Co. v. Calvert* (1918, Ind.) 119 N. E. 519.

The case turns of course upon the meaning of the words, "accident arising out of the employment." The opinion of the majority contains a review of many of the leading English and American cases, and is in accord with the general trend of the later decisions. *Cf.* (1917) 27 YALE LAW JOURNAL, 144; *ibid.* 578.

WORKMEN'S COMPENSATION ACT—PERSONS ENTITLED TO COMPENSATION—EFFECT OF WIDOW'S REMARRIAGE.—In a proceeding for compensation under the Massachusetts Workmen's Compensation Act (St. 1911, c. 751, pt. 2, sec. 6, as amended) the defense was that the one seeking compensation, the widow of the deceased employee, had remarried and was no longer dependent for her support upon payments under the Act. *Held*, that the remarriage of the widow did not terminate her right to compensation. *Bott's Case* (1918, Mass.) 119 N. E. 756.

The precise question involved in this case seems not to have been previously decided. The court had previously held in *Murphy's Case* (1916) 224 Mass. 592, 113 N. E. 283, that upon a dependent's death the right to payments under the Act did not pass to his personal representatives, as that would frequently result in payments to persons in no way dependent upon the deceased. The present case construes the act to mean that a person who is a "dependent" at the time of the injury remains so in spite of a subsequent change in the condition of actual dependency. The decision seems to carry out the meaning of the words used in the Massachusetts statute. As the court suggests, if it be

thought that the result is undesirable, the only remedy is to apply to the legislature. In some jurisdictions this has already been done. See following note. Cf. *Moore v. Peet Bros. Manufacturing Co.* (1917) 99 Kan. 443, 162 Pac. 295.

WORKMEN'S COMPENSATION ACT—WIDOW'S RIGHT TO COMPENSATION—EFFECT OF STATUTE TERMINATING COMPENSATION AFTER REMARRIAGE.—Section 12 of the New Jersey Compensation Act of 1911 provided for weekly compensation for 300 weeks to the widow of an employee killed in the course of employment. A later amendment provided that the right "under this section" shall cease if the widow shall remarry." The plaintiff's husband was killed prior to the amendment and the defendant paid the compensation until her remarriage. She sued for weekly installments accruing thereafter. *Held*, that the plaintiff was entitled to recover, since her right to compensation for the full 300 weeks was a "vested right." *Hansen v. Brann & Stewart Co.* (1917, N. J. Sup. Ct.) 103 Atl. 696.

The principal case is noteworthy, not because it enunciates any new or striking principle, but because it is concerned with a new phase of the law: workmen's compensation, and an old concept: "vested rights." There is little doubt as to the soundness of the decision; the court follows the general rule as to when a right created by statute becomes "vested" and is beyond revocation.